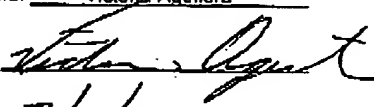


Docket No. AB-147U

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/993,084 Conf. No.: 7483	<b>Certificate of Mailing or Transmission</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450, or being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306, on the date indicated below.
Applicants: Whitehurst, et al. Filed: November 06, 2001 TC/A.U.: 3762 Examiner: George C. Manuel	Date: July 01, 2004 Typed Name: Victoria Aguilera Signature:  Date: 7/1/2004
Title: Systems and Methods for Modulation of Pancreatic Endocrine Secretion and Treatment of Diabetes	
Docket No.: AB-147U Customer No.: 23845	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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## Amendment A

Dear Examiner:

**OFFICIAL**

This amendment responds to the Office action mailed March 01, 2003 (Paper #4) for the subject application, in which claims 1-8, 10-13, 15, 16, 19, 22, 24, 25, and 28 were rejected and claims 9, 14, 17, 18, 20, 21, 23, 26, 27, and 29 were objected to. An extension fee for response within the first month is being submitted concurrently herewith.

By way of the present amendment, claims 2, 3, 13, 16, 17, 19, 22 and 25-29 have been amended; claims 1, 4, 15 and 24 have been canceled; and claims 30-32 have been added. Twenty-eight (28) claims remain pending in the application: claims 2, 3, 5-14, 16-23 and 25-32, of which claims 2, 3, 5, 8, 17, 26, 27, 28 and 29 are independent (four new independent claims).


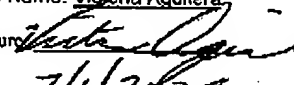
Amendments to the claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks begin on page 8 of this paper.

Application No. 09/993,084  
Amendment A dated July 01, 2004  
Reply to Office Action dated March 01, 2004

Page 1 of 16

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**OFFICIAL**

 <p>25129 Rye Canyon Rd. Valencia, CA 91355</p>	<b>FAX TRANSMITTAL</b> <b>To:</b> US Patent & Trademark Office Examiner George C. Manuel, Art Unit 3762, phone (703) 308-2118 <b>Fax:</b> (703) 872-9306 <b>From:</b> Laura Haburay Bishop phone (661) 362-1906 fax (661) 362-1507 <b>Date:</b> July 01, 2004 <b>Pages:</b> Nineteen (19), Including Cover Page <b>Re:</b> Amendment A for <b>S/N 09/993,084</b> , filed November 06, 2001; Attorney Docket No.: AB-147U	<b>Certificate of Transmission</b>  I hereby certify this correspondence, including the papers listed, is being facs/mile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306  on this date: <u>July 01, 2004</u>  Typed Name: <u>Victoria Aguilera</u>  Signature:   Date: <u>7/1/2004</u>
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**MESSAGE:**

Please find attached:

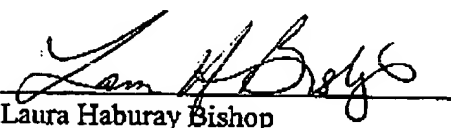
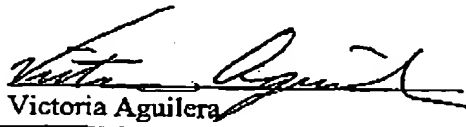
- Amendment Transmittal Letter, including petition for extension of time, extra claim fees, and authorization to charge \$454.00 to Deposit Account (1 page);
- Copy of amendment transmittal letter (1 page); and
- Amendment A, responding to an Office Action mailed March 01, 2004, for Application Serial Number 09/993,084 (16 pages).

Thank you.

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<b>AMENDMENT TRANSMITTAL LETTER</b>				Attorney Docket No: AB-147U		
Application Serial Number: 09/993,084		Filing Date: 11/6/2001		Examiner: George Manucl		Art Unit: 3762
Invention: Systems and Methods for Modulation of Pancreatic Endocrine Secretion and Treatment of Diabetes						
TO THE COMMISSIONER FOR PATENTS: Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.						
<b>CLAIMS AS AMENDED</b>						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	28	MINUS	29	0	\$18	\$0
INDEP. CLAIMS	9	MINUS	5	4	\$86	\$344
<input checked="" type="checkbox"/> Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of <u>3/1/2004</u> to and through <u>7/1/2004</u> , comprising an extension of the shortened statutory period of: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div> <input checked="" type="checkbox"/> one month (\$110.00)  <input type="checkbox"/> two months (\$420.00)         </div> <div> <input type="checkbox"/> three months (\$950.00)  <input type="checkbox"/> four months (\$1,480.00)         </div> </div>						
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>						
<input type="checkbox"/> Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted. <input type="checkbox"/> A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed. <input type="checkbox"/> A check in the amount of \$_____ is attached. <input checked="" type="checkbox"/> Charge \$ <u>454.00</u> to Deposit Account <u>50-0648</u> . A duplicate copy of this sheet is provided. <input type="checkbox"/> No additional fee is required.						
<u>2004 July 01</u> Date		 Laura Haburay Bishop Reg. No. 47424				
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or the correspondence is being facsimile transmitted to the USPTO, Fax. No. (703) 872-9306, on <u>July 01, 2004</u> .						
 Victoria Aguilera						